

AMENDED #2 AGENDA
HOUSE WAYS & MEANS COMMITTEE
Upon Adjournment
Room E403
Friday, February 24, 2012

SUBJECT	DESCRIPTION	PRESENTER
<u>RS21360</u>	Victim Notification Fund	Michael Kane, Idaho Sheriff's Association
<u>RS21367</u>	Motor Vehicle Fees	Rep. Rich Wills

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Wood(35)

Rep Moyle

Rep Bedke

Rep Roberts

Rep Rusche

Rep Higgins

Rep Cronin

COMMITTEE SECRETARY

Brenda Walters

Room: E304

Phone: (208) 332-1120

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MINUTES
HOUSE WAYS & MEANS COMMITTEE

DATE: Friday, February 24, 2012

TIME: Upon Adjournment

PLACE: Room E403

MEMBERS: Chairman Wood(35), Representative(s) Moyle, Bedke, Roberts, Rusche, Higgins, Cronin

**ABSENT/
EXCUSED:** Representative Cronin

GUESTS: Michael Kane, Idaho Sheriff's Association, Representative Rich Wills, David Goins, Idaho News Service, Betsy Russell, Spokesman Review, Rex Green, Idaho Auto Dealers

Chairman Wood (35) called the meeting to order at 12:04 PM

RS 21630: **Michael Kane** , Idaho Sheriff's Association, stated that the Attorney General recommended starting **RS 21630** as a replacement for **S1263** in the House as it is a funding bill. The legislation is widely supported by numerous law enforcement agencies and victim witness advocates throughout the State. This legislation provides for electronic notification of victims and witnesses.

MOTION: **Rep. Moyle** made a motion to introduce **RS 21630. Motion carried by a voice vote.**

RS 21367: **Rep. Wills** stated that this proposed legislation will establish a temporary fee on vehicle title transfers in order to stabilize the Idaho Public Safety and Security Information System (ILETS). Funding for this program is currently low and deteriorating at a rapid rate. This proposed legislation will allow time to find a better solution. The legislation contains a sunset clause and will expire on July 1, 2013.

In response to questions raised by the committee regarding the fee, **Rep. Wills** indicated usage has increased and currently there is not enough funding to keep up with demand. The fee was established as an usage fee by the counties and cities but needs to find a revenue stream to permanently support it. Rep. Wills went on to state that the program needs approximately 2.6 to 4 million dollars to operate and the fee will be a \$10.00 for each title transfer.

MOTION: **Rep. Rusche** made a motion to introduce **RS 21367. Motion carried by a voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 12:14 p.m.

Representative Wood(35)
Chair

Brenda Walters
Secretary

**AMENDED #1 AGENDA
HOUSE WAYS & MEANS COMMITTEE
1:15 P.M.
Room E403
Tuesday, February 28, 2012**

SUBJECT	DESCRIPTION	PRESENTER
<u>RS21287</u>	Fire district deannexation	Rep. Moyle
<u>RS21405</u>	Special use permits	Rep. Moyle
<u>RS21396</u>	Membership on Travel Council	Rep. Hartgen
<u>RS21392</u>	Clarification of the definition of "Lands"	Rep. Schaefer
<u>RS21343</u>	Horse boarding non-payment alternative	Rep. Judy Boyle

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Wood(35)

Rep Moyle

Rep Bedke

Rep Roberts

Rep Rusche

Rep Higgins

Rep Cronin

COMMITTEE SECRETARY

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MINUTES
HOUSE WAYS & MEANS COMMITTEE

DATE: Tuesday, February 28, 2012

TIME: 1:00 P.M.

PLACE: Room E403

MEMBERS: Chairman Wood(35), Representative(s) Moyle, Bedke, Roberts, Rusche, Higgins, Cronin

**ABSENT/
EXCUSED:** None

GUESTS: Representative Hartgen, Representative Boyle, Representative Schaefer
Chairman Wood (35) called the meeting to order at 1:05 P.M.

RS 21396: **Rep. Hartgen** stated this proposed legislation addressed the Idaho Travel and Convention Industry Council and its appointments. Current language prohibits appointees from serving more than one term in their life time. The proposed legislation contains additional language indicating the appointee shall serve at the pleasure of the Governor.

Responding to committee questions regarding the removal of council members, **Rep. Hartgen** stated that the current language was vague and the proposed legislation would make it more specific.

MOTION: **Rep. Bedke** made the motion to introduce **RS 21396. Motion carried by a voice vote.**

RS 21287: **Rep. Moyle** stated the proposed legislation is in regards to fire protection districts. It allows land owners with more than 1,500 acres to deannex from the district while making the land owner responsible for the taxes owed on the property prior to deannexation.

Responding to committee questions regarding fire response on the property after deannexation, **Rep. Moyle** indicated the fire districts would not be required to respond to fire on the property, but if they did a bill could be submitted to the landowner for payment.

MOTION: **Rep. Roberts** made the motion to introduce **RS 21287. Motion carried by a voice vote.**

RS 21405: **Rep. Moyle** deferred the presentation to **Ken Harwood**, Executive Director, Association of Idaho Cities. Mr. Harwood stated this proposed legislation addresses concerns raised as a result of a recent ruling by the Idaho Supreme Court, *Burns Holdings, LLC v Teton County Board of Commissioners*, in which the court held that height restrictions could only be waived by variance, not by conditional use permits. This proposed legislation adds language to the Local Land Use Planning Act to ensure waivers may continue to be used as part of the land use planning process.

In response to committee questions **Mr. Harwood** stated conditional use permits remain in code, however, this proposed legislation clarifies zoning provisions and variance requirements.

MOTION: **Rep. Higgins** made the motion to introduce **RS 21405. Motion carried by a voice vote.**

RS 21392: **Rep. Schaefer** stated the proposed legislation is definitional in intent, it will define the word "land" as it applies to the Idaho Land Board and the Idaho Department of Lands. Currently the Idaho Land Board has been investing in property and managing those properties. This proposed legislation provides the language of overhead and duties of what "lands" actually are for clarification so the Idaho Land Board and Idaho Department of Lands may adhere more closely to the intent of land management.

In response to questions from the committee, **Rep. Schaefer** indicated the proposed legislation would not restrict the decisions of the Idaho Land Board but would provide a clearer definition of its role. In response to questions raised about current non-land properties on the books. Rep. Schaefer indicated this change would impact future acquisitions and would not require the sale of current non-land properties.

MOTION: **Rep. Moyle** made the motion to introduce **RS 21392. Motion carried by a voice vote. Rep. Rusche** and **Rep. Cronin** requested they be recorded as voting **NAY**.

RS 21343: **Rep. Boyle** stated this proposed legislation will provide an avenue for relief for individuals who board horses and are not being paid for their services. The boarders are required to bear the costs of feeding and caring for the horses, while the owners are not paying . This proposed legislation will not change the notice required prior to selling the livestock.

In response to committee questions, **Rep. Boyle** confirmed there will be no change in the notification process prior to selling the livestock. This legislation would allow for public auction.

MOTION: **Rep. Roberts** made the motion to introduce **RS 21343. Motion carried by a voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 1:26 P.M.

Representative Wood(35)
Chair

Brenda Walters
Secretary

AMENDED AGENDA
HOUSE WAYS & MEANS COMMITTEE
1:15 P.M.
Room E403
Thursday, March 01, 2012

SUBJECT	DESCRIPTION	PRESENTER
RS21391	Crosswalk violation authority for crossing guards	Rep. Thompson
RS21429	Deed of trusts	Rep. Jaquet & Rep. Chew
RS21436	Relating to the treatment of animals	Rep. Andrus
RS21425	Publishing requirements	Jeremy Pisca

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Wood(35)

Rep Moyle

Rep Bedke

Rep Roberts

Rep Rusche

Rep Higgins

Rep Cronin

COMMITTEE SECRETARY

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MINUTES
HOUSE WAYS & MEANS COMMITTEE

DATE: Thursday, March 01, 2012

TIME: 1:15 P.M.

PLACE: Room E403

MEMBERS: Chairman Wood(35), Representative(s) Moyle, Bedke, Roberts, Rusche, Higgins, Cronin

**ABSENT/
EXCUSED:** Representative Higgins

GUESTS: Jeremy Pisca, Newspaper Association of Idaho, Rep. Thompson, Rep. Jacquet, Rep. Chew, Rep. Andrus

Chairman Wood (35) called the meeting to order at 1:18 p.m.

MOTION: **Rep. Rusche** made a motion to approve the minutes of the February 24, 2012, meeting. **Motion carried by a voice vote.**

RS 21391: **Rep. Thompson** stated the proposed legislation would grant authority to school crossing guards to write a report for violations that occur at a school crossing. The crossing guards would provide a written report to a peace officer for further investigation. Currently this same authority is granted to school bus drivers in Idaho Code.

Responding to committee questions regarding the reports, **Rep. Thompson** indicated the reports will contain the same information that is requested of school bus drivers who report violations, and the process for investigating will be identical. In response to questions regarding the process for gathering information on the incident and concerns regarding unsubstantiated reports, Rep. Thompson stated that he did not anticipate this as being a problem, but any issues related to unfounded reports would be resolved through police investigation.

MOTION: **Rep. Roberts** made a motion to introduce **RS 21391**. **Motion carried by a voice vote.**

RS 21429: After a brief discussion, by committee members, it was decided **RS 21429** would be held in order to give the sponsors an opportunity to correct the Statement of Purpose.

RS 21436: **Rep. Andrus** stated that the proposed legislation would amend Idaho Code regarding the treatment of animals. The proposed legislation provides a clear definition of "torture" and creates a felony penalty on the first offense when specific criteria are met. It also includes exceptions for normal production conditions.

MOTION: **Rep. Moyle** made a motion to introduce **RS 21436**. **Motion carried by a voice vote.**

RS 21425: **Jeremy Pisca**, Newspaper Association of Idaho, stated the proposed legislation addresses publication notices for foreclosures of deed of trust. Idaho Code requires a notice be published in a newspaper with general circulation each week for four consecutive weeks. This proposed legislation would make it unlawful for the trustee to have a financial interest in any paper publishing the notice and, therefore, benefiting financially from the publication.

Responding to committee questions regarding the reports, **Mr. Pisca** stated it is the trustee's obligation to file the notice and chose the publication in which it will be published. This situation has been a problem in other states and is now becoming a problem in Idaho.

MOTION: **Rep. Rusche** made a motion to introduce **RS 21425. Motion carried by a voice vote.**

ADJOURN: There being no further business to come before the committee the meeting was adjournment at 1:34 p.m.

Representative Wood(35)
Chair

Brenda Walters
Secretary

AGENDA
HOUSE WAYS & MEANS COMMITTEE
8:00 A.M.
Room E403
Friday, March 02, 2012

SUBJECT	DESCRIPTION	PRESENTER
RS21260C1	Deed of trust	Rep. Jaquet & Rep. Chew
RS21348	Hearing officer appointments	Rep. Luker & Rep. Burgoyne
RS21437	Preference standards for veterans	Rep. Hagedorn
RS21341	Rights-of-way	Rep. Bedke
RS21446	Immediate Care Facilities Act	Rep. Fred Wood
RS21451	Student athlete concussion evaluations	Rep. Moyle
RS21423	NDAA clarification and repeal	Rep. Nielsen
RS21449	Reaffirm Silver Culture Rule	Rep. Nielsen

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Wood(35)

Rep Moyle

Rep Bedke

Rep Roberts

Rep Rusche

Rep Higgins

Rep Cronin

COMMITTEE SECRETARY

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MINUTES
HOUSE WAYS & MEANS COMMITTEE

DATE: Friday, March 02, 2012

TIME: 8:00 A.M.

PLACE: Room E403

MEMBERS: Chairman Wood(35), Representative(s) Moyle, Bedke, Roberts, Rusche, Higgins, Cronin

**ABSENT/
EXCUSED:** Representative Higgins

GUESTS: Kris Ellis, Idaho Health Care Association; Matthew Kaiserman, Gallatin Public Affairs; Rep. Hagedorn, Rep. Luker, Rep. Jaquet

Chairman Wood (35) called the meeting to order at 8:04 a.m.

RS 21437: **Rep. Hagedorn** stated the proposed legislation updates and modifies the Idaho Department of Labor's hiring preference standards for veterans. It defines "veteran" as being any person who was honorably discharged or released from active duty in the armed forces.

In response to questions from the committee, **Rep. Hagedorn** clarified this definition is for Idaho Department of Labor purposes only and will include individuals who served regardless of the location of their service.

MOTION: **Rep. Roberts** made a motion to introduce **RS 21437. Motion carried by a voice vote.**

RS 21348: **Rep. Luker** stated the proposed legislation is designed to bring neutrality into the assignment of hearing officers who are appointed by state agencies. Currently each state agency appoints and pays their own hearing officers. Under the proposed legislation the Department of Administration would administer the program. Hearing officers would be assigned to hearings on a rotation basis and the Department of Administration would ensure there are no conflicts of interest. The Department of Labor and Department of Water Resources are exempt.

In response to questions asked by the committee regarding special skills and medical knowledge requirements, **Rep. Luker** indicated an impartial technical expert may be appointed by the hearing officer to provide assistance with special skills such as medical knowledge. In response to questions raised about compensation, Rep. Luker indicated the Department of Administration will set up an acceptable range for payment, and the hearing officers will be paid at a hourly rate.

MOTION: **Rep. Rusche** made a motion to introduce **RS 21348. Motion carried by a voice vote.**

RS 21341: **Rep. Bedke** stated the proposed legislation addresses the required widths of roads in Idaho. A recent Idaho Supreme Court decision stated Idaho roads are not within the current standard of fifty feet, either per code or common law. In many cases the width of the roads has been established through custom or prescription. The court, in its decision, pointed out current Idaho Code needs to be more specific. The proposed legislation will clarify the "fifty feet wide" requirement, the exceptions for cities, roads that already meet the guidelines, and common law or historical uses.

MOTION: **Rep. Rusche** made a motion to introduce **RS 21341. Motion carried by a voice vote.**

- RS 21446:** **Kris Ellis**, Idaho Health Care Association, stated the proposed legislation addresses intermediate care facility assessments. These are funds paid by providers, matched by federal dollars, and then reimbursed most primarily to the providers to backfill cuts that are on going. It will make hospital, nursing home and intermediate care facilities uniform in treatment by the Idaho Department of Health and Welfare.
- MOTION:** **Rep. Bedke** made a motion to introduce **RS 21446. Motion carried by a voice vote.**
- RS 21451:** **Rep. Moyle** deferred the presentation to **Matthew Kaiserman**, Gallatin Public Affairs, who stated this proposed legislation addresses a large problem in Idaho with youth concussions. There have been multiple scientific studies with negative results concerning the impact of successive concussive injuries and second impact syndrome, which occurs when an athlete continues to play and incurs second impact injury which can cause the brain to swell uncontrollably. This can occur in all sports and 50% with second impact injuries can be fatal, the other 50% result in severe cognitive impairment. The State of Idaho does not have a protocol for youth athletes which puts the State at risk for lawsuit. There have been multiple court cases across the nation. This proposed legislation provides mandatory training biannually for coaches, trainers and referees with mandatory annual training for parents and athletes. It would require each school to develop its individual protocol to fall in line with the Centers for Disease Control standards. If someone is suspected of having a concussion, they must be removed from play and evaluated by a proper medical professional. It allows for private sports groups to opt-in to the program thereby qualifying for liability protection. This proposed legislation was a collaborate effort.
- In response to questions from the committee addressing instances of medical professionals clearing athletes for play from the sidelines, **Matthew Kaiserman** stated there have been instances of medical professionals, who are parents, clearing student athletes for play. The proposed legislation will require trained personnel to remove the student athlete from play, as school policy, and require they be seen by a medial professional. Mr. Kaiserman also stated the Idaho Trail Lawyers have seen the proposed legislation and are supportive.
- MOTION:** **Rep. Rusche** made a motion to introduce **RS 21451. Motion carried by a voice vote.**
- RS 21260C1:** **Rep. Jaquet** stated the proposed legislation seeks to align the statue of limitations between first and any junior deeds of trust to the same ninety days. These loans originate by the same lender on the same day. This proposed legislation will hold both loans to the same standard.
- MOTION:** **Rep. Rusche** made the motion to introduce **RS 21260C1. Motion carried by a voice vote.**
- RS 21423:** Due to absence of sponsor **RS 21423** and **RS 21449** were held in committee.
- RS 21449:**
- ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 8:30 a.m.

Representative Wood(35)
Chair

Brenda Walters
Secretary

AMENDED #4 AGENDA
HOUSE WAYS & MEANS COMMITTEE
1:15 P.M.
Room E403
Monday, March 05, 2012

SUBJECT	DESCRIPTION	PRESENTER
<u>RS21448</u>	Administrative rules continuation	Mike Nugent
<u>RS21326C2</u>	Children and Families Legal Service Fund	Rep. Bayer and Rep. Luker
<u>RS21280C1</u>	Contracts	Rep. Luker

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Wood(35)

Rep Moyle

Rep Bedke

Rep Roberts

Rep Rusche

Rep Higgins

Rep Cronin

COMMITTEE SECRETARY

Brenda Walters

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MINUTES
HOUSE WAYS & MEANS COMMITTEE

DATE: Monday, March 05, 2012

TIME: 1:15 P.M.

PLACE: Room E403

MEMBERS: Chairman Wood(35), Representative(s) Moyle, Bedke, Roberts, Rusche, Higgins, Cronin

**ABSENT/
EXCUSED:** None

GUESTS: Mike Nugent, Legislative Service Office, Representative Lynn Luker, Benjamin Davenport, Risch Pisca

Chairman Wood (35) called the meeting to order at 1:20 p.m.

RS 21448: **Mike Nugent**, Legislative Service Office, gave a brief history of the proposed legislation known as the "drop dead bill." It continues certain administrative rules in full force and effect until July 1, 2013.

MOTION: **Rep. Roberts** made a motion to introduce **RS 21448** and send it to the 2nd reading calendar. **Motion carried by a voice vote.** **Rep. Roberts** will sponsor the bill on the floor.

RS 21326C2: **Rep. Luker**, stated the proposed legislation will establish a Children and Families Legal Service Fund by creating a \$20.00 filing fee on domestic relations actions. The fund will be administered by the Idaho State Controller and disbursed by the Idaho Supreme Court. The proposed legislation specifically addresses which types of legal services may or may not be provided for under this fund. It is estimated this proposed legislation will raise approximately \$325,000 annually.

In response to questions as to which types of cases for which the fund may be used **Rep. Luker** stated the funds may not be used for class action lawsuits, criminal cases, representation of persons who are currently incarcerated, cases concerning abortion or reproductive issues or lawsuits against the state of Idaho.

MOTION: **Rep. Bedke** made a motion to introduce **RS 21326C2.** **Motion carried by a voice vote.** **Rep. Moyle** requested that he be recorded as voting **NAY.**

RS 21280C1: **Rep. Luker**, stated the proposed legislation will strengthen current Idaho Code for Idahoans by voiding provisions of contracts that would require them to waive their rights to access Idaho courts.

MOTION: **Rep. Bedke** made a motion to introduce **RS 21280C1.** **Motion carried by a voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 1:30 p.m.

Representative Wood(35)
Chair

Brenda Walters
Secretary

AMENDED #2 AGENDA
HOUSE WAYS & MEANS COMMITTEE
3:30 P.M.
Room E403
Thursday, March 08, 2012

SUBJECT	DESCRIPTION	PRESENTER
<u>RS21480</u>	Mental health process for screening and assessment	Patti Tobias
<u>RS21496</u>	Relating to the treatment of animals	Rep. Andrus
<u>RS21490</u>	Portable electronic device insurance	Rep. Black
<u>RS21491</u>	Health insurance standards for small business	Tom Donovan
<u>RS21005C2</u>	Emergency "incident response" fees	Woody Richards
<u>RS21500</u>	Judicial pay	Patti Tobias

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Wood(35)

Rep Moyle

Rep Bedke

Rep Roberts

Rep Rusche

Rep Higgins

Rep Cronin

COMMITTEE SECRETARY

Brenda Walters

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MINUTES
HOUSE WAYS & MEANS COMMITTEE

DATE: Thursday, March 08, 2012
TIME: 3:30 P.M.
PLACE: Room E403
MEMBERS: Chairman Wood(35), Representative(s) Moyle, Bedke, Roberts, Rusche, Higgins, Cronin
**ABSENT/
EXCUSED:** None

GUESTS: Senior District Judge Barry Wood, Patricia Tobias, Idaho Supreme Court; Tom Donovan, Idaho Department of Insurance; Woody Richards, Farm Bureau Insurance; Rep. Ken Andrus, Phil Barber, American Insurance Association; Dave Goins, Idaho News Service; Roy Eiguren, Sullivan, Reberger & Eiguren

Chairman Wood (35) called the meeting to order at 3:36 p.m.

RS 21480: **Barry Wood**, Senior District judge, stated the proposed legislation will establish a screening and treatment program for individuals found guilty of felonies in order to identify those in need of substance abuse or mental health treatments. The Idaho Department of Corrections will cover the expenses for the screenings, assessments and treatment of substance abuse, the Idaho Department of Health and Welfare will be tasked with the mental health examinations and treatment.

In response to a question regarding the separation of substance abuse and mental health screenings, **Judge Wood** stated Idaho Code 19-2524 separates substance abuse and mental health into different portals. However the proposed legislation will establish the screening process and shows the need for a treatment plan that could be used during sentencing instead of after sentencing. Judge Wood also indicated the assessments cannot be used to prove competency unless the defendant is in agreement.

MOTION: **Rep. Moyle** made a motion to introduce **RS 21480**. **Motion carried by a voice vote.**

RS 21496: **Rep. Andrus** stated the proposed legislation has previously been brought before the Ways and Means Committee. In discussions regarding **HB 625** it was determined a slight change needed to take place to clarify the language as there was a duplication. On page 1, line 32 they have stricken the word "torture" as on page 2 line 27 includes a full definition of "torture."

MOTION: **Rep. Moyle** made a motion to introduce **RS 21496**. **Motion carried by a voice vote.**

RS 21490: **Roy Eiguren**, Sullivan, Reberger, Eiguren, stated the proposed legislation establishes portable electronic device insurance and regulates its provisions.

In response to questions raised by the committee, **Mr. Eiguren** stated the proposed legislation addresses changes suggested by several legislators as a result of a hearing on **HB 471**. It was decided it would be more expeditious to address these changes in **RS 21490** verses sending **HB 471** to the amending order.

MOTION: **Rep. Roberts** made a motion to introduce **RS 21490**. **Motion carried by a voice vote.**

RS 21491: **Tom Donovan**, Idaho Department of Insurance, stated this proposed legislation seeks to amend two sections of insurance code regarding public record exemptions. The intent is to amend the language that provides for exemptions from public disclosure of documents. Currently the information gathered by insurance companies to establish rates is exempt from public disclosure and is protected as proprietary and/or a trade secret. There is one exemption, Idaho Department of Insurance investigation requires the release of all data in cases of violations. Mr. Donovan went on to state the proposed legislation would require public record disclosure if federal law requires it.

In response to questions from the committee, **Mr. Donovan** stated the difference between the proposed legislation and **H 423**, was a reference to assessments for immunizations. In addition, language was added to provide for a general standard of rates and rule making authority. That standard requires that rates should not be excessive, inadequate or unfairly discriminatory. Specific language was also included referencing federal regulations as examples of other laws which would apply to public record requests. Mr. Donovan went on to explain, if federal law requires release of information, the same requirement would apply in Idaho.

MOTION: **Rep. Cronin** motion made to introduce **RS 21491** with the following changes: on page 1, line 7, strike "and to make a technical correction" and on page 5, section (ii) leave the word "and." **Motion carried by a voice vote.**

RS 21005C2: **Woody Richards**, Farm Bureau Insurance, stated the proposed legislation relates to emergency fees charged as a result of a motor vehicles incident. In some instances these fees, charged by cities, counties or fire districts, are covered by insurance while some fees are not. The proposed legislation would define what fees could be charged. As the individuals in the accidents pay taxes, it is believed these fees are a form of double taxation. As tax payers, individuals are already paying for the services provided by the local municipalities and fire districts. In preparing the proposed legislation they worked with local stakeholders, however, the legislation is opposed by fire chiefs. The proposed legislation will exempt charges for property damages, towing and clean-up at the site of the accident.

In response to questions raised by the committee regarding fees for accident clean-up, Mr. Richards stated the proposed legislation addresses what types of fees are allowed to be billed, however, they would not permit charges for emergency workers' time. The allowable fees would be hard cost for materials; this is defined in the proposed legislation as actual expenses only. He also stated that many insurance policies will cover the fees, but it is not automatic.

MOTION: **Rep. Bedke** made a motion to introduce **RS 21005C2**. **Motion carried by a voice vote.**

RS 21500: **Patti Tobias**, Idaho Supreme Court, stated the proposed legislation would change the annual salary of the judiciary in Idaho by raising it 2%. The increase is the same as the increase for state employees, however, separate legislation is required.

MOTION: **Rep. Roberts** made a motion to introduce **RS 21500**. **Motion carried by a voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 4:01 p.m.

Representative Wood(35)
Chair

Brenda Walters
Secretary

AMENDED #2 AGENDA
HOUSE WAYS & MEANS COMMITTEE
Upon recess of the House
Room E403
Monday, March 12, 2012

SUBJECT	DESCRIPTION	PRESENTER
<u>RS21463C1</u>	Judges Retirement	Patti Tobias
<u>RS21501</u>	Hire One Act	Rep. Moyle

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Wood(35)

Rep Moyle

Rep Bedke

Rep Roberts

Rep Rusche

Rep Higgins

Rep Cronin

COMMITTEE SECRETARY

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MINUTES
HOUSE WAYS & MEANS COMMITTEE

DATE: Monday, March 12, 2012

TIME: Upon recess of the House

PLACE: Room E403

MEMBERS: Chairman Wood(35), Representative(s) Moyle, Bedke, Roberts, Rusche, Higgins, Cronin

**ABSENT/
EXCUSED:** Representatives Higgins and Cronin

GUESTS: Patti Tobias, Idaho Supreme Court, Senior District Judge Barry Wood, Rep. Stephen Hartgen, Rep. Dennis Lake

Chairman Wood (35) called the meeting to order at 2:39 p.m.

MOTION: **Rep. Rusche** made a motion to approve the minutes of the March 5, 2012 meeting. **Motion carried by a voice vote.**

RS 21463C1: **Patti Tobias**, Idaho Supreme Court, stated the proposed legislation is a result of a collaborative effort on behalf of all three branches of government to stabilize the judge's retirement fund. She recognized the efforts of Rep. Dennis Lake, Rep. Stephen Hartgen, Rep. Ken Roberts and Rep. Darrell Bolz for the work on this project.

Justice Barry Wood, Senior District Judge, stated an agreement containing eight points was used forth in developing the proposed legislation. They included: an increase in employer's contribution, increase in the employee's contribution, an increased filing fee, modification of the current retirement qualifier, reduction in surviving spousal benefits, establishment of an annual retiree COLA, transfer of the Judges Retirement Fund to PERSI, and a provision requiring annual year end evaluation of the program to the germane committees.

In response to questions raised by the committee members, **Rep. Roberts** stated the C1 was a change to deal with the fee provisions. **Rep. Lake** addressed questions regarding the judiciary budget and how it is impacted, he also stated the Governor has a trailer bill to address the changes.

MOTION: **Rep. Rusche** made a motion to introduce **RS 21463C1**. **Motion carried by a voice vote.** **Rep. Moyle** asked to be recorded as voting **NAY**.

RS 21501: **Rep. Moyle** stated the proposed legislation fixes a gap in the Hire One Act from last session. The Hire One Act left a gap of time that disqualified employers from receiving a tax credit during that time period. This proposed legislation will fix the gap and will be retroactive to January 1, 2011.

MOTION: **Rep. Rusche** made a motion to introduce **RS 21501**. **Motion carried by a voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 2:52 p.m.

Representative Wood(35)
Chair

Brenda Walters
Secretary

AGENDA
HOUSE WAYS & MEANS COMMITTEE
1:15 P.M.
Room E403
Wednesday, March 14, 2012

SUBJECT	DESCRIPTION	PRESENTER
RS21525	Right to hunt and fish	Sen. Heider & Rep. Boyle
RS21489	Property rights protection	Rep. Barbieri
RS21498	Cord blood banking education	Rep. Elaine Smith

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Wood(35)

Rep Moyle

Rep Bedke

Rep Roberts

Rep Rusche

Rep Higgins

Rep Cronin

COMMITTEE SECRETARY

Brenda Walters

Room: E304

Phone: (208) 332-1120

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MINUTES
HOUSE WAYS & MEANS COMMITTEE

DATE: Wednesday, March 14, 2012

TIME: 1:15 P.M.

PLACE: Room E403

MEMBERS: Chairman Wood(35), Representative(s) Moyle, Bedke, Roberts, Rusche, Higgins, Cronin

**ABSENT/
EXCUSED:** None

GUESTS: Rep. Judy Boyle, Rep. Elaine Smith, Sen. Lee Heider, Kerry Ellen Elliott, Idaho Association of Counties

Chairman Wood (35) called the meeting to order at 1:20 p.m.

MOTION: **Rep. Rusche** made a motion to approve the minutes of the February 28, 2012 and the March 1, 2012 meetings. **Motion carried by a voice vote.**

RS 21525: **Sen. Heider** stated the proposed legislation should be a valued heritage of the people of Idaho. The language including the use of traditional methods of hunting, fishing and trapping are a valued heritage to the people of Idaho. Hunting, fishing and trapping should be the preferred means of managing wildlife. The proposed legislation will also protect private property, these rights are addressed in the title. The language used in drafting this proposed legislation was taken from the Virginia Constitution and is over 225 years old, and those same elements are included in the proposed legislation. We can use the Virginia model example to manage the process in our State. Questions have been raised whether a fee can be charged for this right, just as other licenses can be charged a fee the same would apply in this instance. The proposed bill will provide for future generations the same rights to hunt and fish that we have enjoyed.

In response to questions raised by the committee regarding why this proposed legislation needs to be included in the Constitution, **Sen. Heider** stated there is not a threat at this time, however, we as Idahoans take these rights for granted. He went on to state that we do not know what the future will hold so we must preserve these rights for future generations. Responding to questions regarding possible litigation due to season or area closures, Sen. Heider indicated this legislation will allow Idaho Department of Fish and Game to manage those situations.

MOTION: **Rep. Moyle** made a motion to introduce **RS 21525**. **Motion carried by a voice vote.**

RS 21489: Due to the absence of the sponsor, **RS 21489** was held in committee.

RS 21498: **Rep. Smith (30)** stated the intent of proposed legislation is to educate expectant families regarding cord blood donation or storage after the birth of their child. The education would include information on how parents could donate the cord blood to a public blood bank for use by the general public, or at a private storage facility for exclusive use by their family. If nothing is done, the cord blood is destroyed as medical waste. Idaho Department of Health and Welfare would be charged with developing a brochure and distributing to licensed physicians and those certified by the State of Idaho to provide prenatal care. There are various medical trials across the country where physicians are using a child's cord blood to treat various medical conditions. This education could aid countless children in our state. Rep. Smith (30) plans to locate all the stakeholders and bring this proposed legislation back next year.

MOTION: **Rep. Bedke** made a motion to introduce **RS 21498. Motion carried by a voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 1:37 p.m.

Representative Wood(35)
Chair

Brenda Walters
Secretary

**AMENDED #3 AGENDA
HOUSE WAYS & MEANS COMMITTEE
8:30 A.M.
Room E403
Monday, March 19, 2012**

SUBJECT	DESCRIPTION	PRESENTER
RS21489	Property rights protection	Rep. Barbieri
RS21539C1	SNAP distribution	Rep. Perry
RS21549	Conditional use permits	Rep. Moyle
RS21546	Highway construction projects financing	Jeremy Pisca

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Wood(35)

Rep Moyle

Rep Bedke

Rep Roberts

Rep Rusche

Rep Higgins

Rep Cronin

COMMITTEE SECRETARY

Brenda Walters

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MINUTES
HOUSE WAYS & MEANS COMMITTEE

DATE: Monday, March 19, 2012
TIME: 8:30 A.M.
PLACE: Room E403
MEMBERS: Chairman Wood(35), Representative(s) Moyle, Bedke, Roberts, Rusche, Higgins, Cronin
**ABSENT/
EXCUSED:** None
GUESTS: Jeremy Pisca M3 Companies, LLC; Representative Christy Perry, Representative Vito Barbieri

Chairman Wood (35) called the meeting to order at 8:31 a.m.

MOTION: **Rep. Rusche** made a motion to approve the minutes of the March 2, 2012 meeting. **Motion carried by a voice vote.**

MOTION: **Rep. Higgins** made a motion to approve the minutes of the March 14, 2012 meeting. **Motion carried by a voice vote.**

MOTION: **Rep. Roberts** made a motion to approve the minutes of the March 12, 2012 meeting. **Motion carried by a voice vote.**

RS 21489: **Rep. Barbieri** stated the proposed legislation protects property rights by creating a Property Rights Council to work with the local planning and zoning committees. The proposed legislation would ensure that property holders would be protected by establishing a local Property Rights Council consisting of individuals from residential, commercial and agriculture property owners. The establishment of the Property Rights Council will build in safeguards to prohibit non-taxpayers from taking over control as well as establish a representation of the taxpayer base.

In response to questions raised by the committee members, **Rep. Barbieri** stated the proposed legislation is not an attempt to replace the planning and zoning commissions but will act in an advisory capacity. The Property Rights Council would be tasked with providing input from property owners. The advisory board would focus specifically on tax ramifications on property rights. Currently there is nothing prohibiting local authorities from establishing a Property Rights Council, however, Rep. Barbieri stated the intent is that the council must be made up of taxpayers. Further questions from the committee members raised concerns regarding the language in **RS 21489** and suggested Mr. Barbieri work with the Legislative Service Office to clarify the legislative intent.

MOTION: **Rep. Rusche** made a motion to return **RS 21489** to the sponsor. **Motion carried by a voice vote.**

RS 21539C1: **Rep. Perry** stated the proposed legislation adds a new section to 56-205 which authorizes the Idaho Department of Health and Welfare to issue Supplemental Nutrition Assistant Program (SNAP) benefits over the course of multiple days each month.

In response to questions raised by the committee members, **Rep. Perry** informed the committee it was her understanding the proposed legislation would not require a change to JFAC funding.

MOTION: **Rep. Roberts** made the motion to introduce **RS 21539C1**. **Motion carried by a voice vote.**

RS 21549:

Rep. Moyle invoked Rule 38 as he has applied for a conditional use permit in the past, he will be voting on the motion.

Ken McClure, Givens Pursley, stated the proposed legislation is a replacement for **H 614** (2012), which addresses conditional use permits. In *Burns Holdings, LLC v Teton County Board of Commissioners*, the Idaho Supreme Court stated a conditional use permit may not be used to waive building requirements. The Court stated, in its decision, that all previously issued conditional use permits would be void as a result of this decision.

In response to questions raised by the committee, **Mr. McClure** stated the Idaho Supreme Court found the current statute to be ambiguous and that clarification between a variance and conditional use permit is needed. Mr. McClure went on to state a variance can be used if something is particularly unique to the use of the land and relief from the requirements is needed, whereas, a conditional use permit permits sight specific waivers that would allow for erecting a structure that is not normally used in that area. In *Burns Holdings, LLC v Teton County Board of Commissioners* the Court stated a variance could be used for natural restrictions, but not to circumvent zoning requirements. Section two (2) of the proposed legislation will bring Idaho Code up to the historical standard. Section one (1) will amend **67-6512** and asks for increased notice provisions for conditional use permit hearings, and will be retroactive to address previously issued conditional use permits.

MOTION:

Rep. Bedke made a motion to introduce **RS 21549**. **Motion carried by a voice vote.**

RS 21546:

Rep. Moyle invoked Rule 38 as his father owns property along State Highway 16, he will be voting on the motion.

Jeremy Pisca, M3 Companies, LLC, stated the proposed legislation started out as a modification of the STARS legislation. It is a creative financing solution for highway projects of \$100 million or more. There is a need for new highways to be completed, however, we have no state funding and will not be receiving earmarks from the federal government. The proposed legislation is being introduced to allow Idaho to take advantage of provisions in the 2013 Federal Highway Bill. Among other things the federal highway bill included the Transportation Infrastructure Finance and Innovation Act (TIFIA) which provides a funding set aside for rural state projects and interest rates at one-half of the treasury rate (currently 1/6%). It would allow the Idaho Department of Commerce and Idaho Department of Transportation to select projects that will have proven economic benefits to the State. The proposed legislation would create a Transportation and Economic Development Zone where tax and economic impacts are measured. Before the zone is established, they must find that the zone would have revenue positive sales tax impacts and other revenue positive economic impacts in Idaho. There is also a provision that these highway construction projects must be completed expeditiously, any monies not used within ten (10) years would revert back to the general fund.

In response to questions from the committee, **Mr. Pisca** stated the Idaho Department of Transportation economist would study the zone, and the projected sales tax and economic impacts would be measured after the base year. Those monies would then be placed in a specific account for those projects with any unused money being returned after ten (10) years. In order to qualify for TIFIA funding, the state must show continuous appropriated dedicated funding for the debt service repayment.

In response to further questions from the committee, **Mr. Pisca** stated the proposed legislation started off as a STARS concept but unlike the STARS these projects are largely green fields—there isn't an immediate retail area. Mr. Pisca stated that an urban renewal district uses tax increment taxes and as the values grow it is specifically captured in that district. Unlike an urban renewal district, benefits from the zone would flow to the state. Mr. Pisca went on to state this funding solution would use only a portion of the positive sales taxes generated because of the expedited construction. The Idaho Department of Commerce is taking a more active role in infrastructure, and there should be a partnership between this agency and the Idaho Department of Transportation.

In response to questions regarding the standards for choosing an economist for this project, **Mr. Pisca** stated page four (4) of the proposed legislation spells out the criteria for the economist. The State would verify the projects meet the two positive revenue tests prior to creating a Transportation and Economic Development Zone. In response to questions from the committee regarding the bonding, **Mr. Pisca** stated the State's credit would not be impacted. They have worked with a bond attorney to ensure all safeguards are in place. The proposed legislation gives the Idaho Department of Transportation the flexibility to work with the bonding bank in order to acquire the best rates. Mr. Pisca went on to state that adequate safeguards have been built in to ensure that no project could be constructed utilizing this method unless positive revenue impacts to the state are proven. As Idaho is one of the highest growth states in the nation, we must have an adequate highway system in place.

MOTION: **Rep. Higgins** made a motion to introduce **RS 21546**. **Motion carried by a voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:21 a.m.

Representative Wood(35)
Chair

Brenda Walters
Secretary

AGENDA
HOUSE WAYS & MEANS COMMITTEE
1:15 P.M.
Room E403
Tuesday, March 20, 2012

SUBJECT	DESCRIPTION	PRESENTER
RS21551C1	Rules governing the Capitol Mall	Teresa Luna

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Wood(35)

Rep Moyle

Rep Bedke

Rep Roberts

Rep Rusche

Rep Higgins

Rep Cronin

COMMITTEE SECRETARY

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MINUTES
HOUSE WAYS & MEANS COMMITTEE

DATE: Tuesday, March 20, 2012

TIME: 1:15 P.M.

PLACE: Room E403

MEMBERS: Chairman Wood(35), Representative(s) Moyle, Bedke, Roberts, Rusche, Higgins, Cronin

**ABSENT/
EXCUSED:** Representative Higgins

GUESTS: Director Teresa Luna, Idaho Department of Administration, Julie Weaver, Office of the Attorney General

Chairman Wood (35) called the meeting to order at 1:23 p.m.

MOTION: **Rep. Rusche** made a motion to approve the minutes of the March 8, 2012 meeting. **Motion carried by a voice vote.**

RS 21551C1: **Director Teresa Luna**, Idaho Department of Administration, stated the proposed legislation clarifies the authority of the Department of Administration to promulgate rules governing conduct on the Capitol Mall.

In response to questions raised by the committee members, **Director Luna** stated the State has the right and responsibility to manage and maintain its properties. Currently the Department of Administration manages properties and pays the bills, however, they have discovered after consultation with the Idaho Office of the Attorney General, it does not have the statutory authority to establish rules.

Further questions were raised by the committee regarding the current litigation against the State of Idaho regarding **H 404 (2012)**. **Director Luna** deferred to **Julie Weaver**, Office of the Attorney General. Ms. Weaver stated she is not involved in the litigation, however, it is her understanding this proposed legislation will not impact the lawsuit.

In response to questions raised by the committee, **Director Luna** stated that if the proposed legislation were not to pass, the envelope would be continuously pushed on the Capitol Mall. The proposed legislation would keep the judges order in place, allowing for free speech, but would also allow for rules to protect First Amendment Rights. Director Luna went on to state that the proposed legislation would allow for other State entities to opt-in to the rules once they are created, as they would be within the bounds established by the court's decision.

In response to questions regarding input with area law enforcement stakeholders, **Director Luna** stated Idaho State Police has jurisdiction for State properties, however, they do grant some authority to the Boise Police Department and Ada County Sheriff's office through a Memorandum of Understanding.

MOTION: **Rep. Moyle** made a motion to introduce **RS 21551C1**. **Motion carried by a voice vote. Rep. Rusche and Rep. Cronin** asked to be recorded as voting **NAY**.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 1:40 p.m.

Representative Wood(35)
Chair

Brenda Walters
Secretary

AMENDED AGENDA
HOUSE WAYS & MEANS COMMITTEE
1:30 P.M.
Room E403
Wednesday, March 28, 2012

SUBJECT	DESCRIPTION	PRESENTER
<u>RS21567</u>	Food Freedom Act	Rep. Hart
<u>RS21563</u>	Utility Consumer Advocate	Rep. Cronin

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Wood(35)

Rep Moyle

Rep Bedke

Rep Roberts

Rep Rusche

Rep Higgins

Rep Cronin

COMMITTEE SECRETARY

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MINUTES
HOUSE WAYS & MEANS COMMITTEE

DATE: Wednesday, March 28, 2012
TIME: 1:30 P.M.
PLACE: Room E403
MEMBERS: Chairman Wood(35), Representative(s) Moyle, Bedke, Roberts, Rusche, Higgins, Cronin
ABSENT/EXCUSED: None
GUESTS: Dennis Tanikuni, Idaho Farm Bureau

Chairman Wood (35) called the meeting to order at 1:28 p.m.

MOTION: **Rep. Higgins** made a motion to approve the minutes of the March 19, 2012 meeting. **Motion carried by a voice vote.**

MOTION: **Rep. Cronin** made a motion to approve the minutes of the March 20, 2012 meeting. **Motion carried by a voice vote.**

RS21567: **Rep. Hart** stated the proposed legislation will allow a transaction between an informed end consumer directly from a farmer, rancher, or roadside stand. The proposed legislation will allow our citizens to choose whom they do business with and will impact the relationship between the consumer and the producer of the product.

In response to questions raised by the committee regarding exemptions from inspection or certification, **Rep. Hart** stated exemptions from licensure or certification are listed in the proposed legislation section 22-1303. Rep. Hart went on to state that in cases of an outbreak of food poisoning the Idaho Department of Health and Welfare would investigate. The proposed legislation would not exempt producers from brand inspection. Rep. Hart went on to state the proposed legislation would allow the Idaho Potato Commission to require specific license or certification to prevent misrepresentation of Idaho potatoes.

MOTION: **Rep. Moyle** made a motion to introduce **RS 21567**. **Motion carried by a voice vote.**

RS21563: **Rep. Cronin** stated the proposed legislation would create the Idaho Office of Utility Consumer Advocate similar to those found in forty-three other states. The role of the Idaho Office of Utility Consumer Advocate would ensure all utility ratepayers have fair and adequate representation. The Idaho Public Utility Commission does not have statutory authority to advocate for consumers. The proposed legislation would provide a hybrid model with a director appointed by the Idaho Attorney General and a committee ensuring representation from various stakeholders. There are provisions within the proposed legislation that establish meeting requirements and the size of the committee.

In response to questions raised by the committee, **Rep. Cronin** stated the appointment by the Idaho Attorney General mirrors the models of other states as the advocate would fit within purview of the office.

In response to questions raised by the committee it was indicated there should be further clarification of the definition of "small farm" in the proposed legislation.

MOTION: **Rep. Rusche** made a motion to introduce **RS21563**. **Motion carried by a voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 1:48 p.m.

Representative Wood(35)
Chair

Brenda Walters
Secretary

AGENDA
HOUSE WAYS & MEANS COMMITTEE
Subject to the Call of the Chair
Room E403
Thursday, March 29, 2012

SUBJECT	DESCRIPTION	PRESENTER
	Subject to the Call of the Chair	

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Wood(35)

Rep Moyle

Rep Bedke

Rep Roberts

Rep Rusche

Rep Higgins

Rep Cronin

COMMITTEE SECRETARY

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MINUTES
HOUSE WAYS & MEANS COMMITTEE

DATE: Thursday, March 29, 2012
TIME: Subject to the Call of the Chair
PLACE: Room E403
MEMBERS: Chairman Wood(35), Representative(s) Moyle, Bedke, Roberts, Rusche, Higgins, Cronin
**ABSENT/
EXCUSED:** Representative Rusche, Representative Higgins
GUESTS: None
Chairman Wood (35) called the meeting to order at 2:12 p.m.
MOTION: **Rep. Cronin** made a motion to approve the minutes of the March 28, 2012 meeting. **Motion carried by a voice vote.**
ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 2:13 p.m.

Representative Wood(35)
Chair

Brenda Walters
Secretary